

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

Page 1 of 2

DOCKET NO.: 2009-0148-PWS-E TCEQ ID: RN105660211 CASE NO.: 37104

RESPONDENT NAME: KARA LEAH PETTY DBA COUNTRY INN VICTORIA

ORDER TYPE:

<input type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input checked="" type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	

CASE TYPE:

<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL HAZARDOUS WASTE
<input checked="" type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION

SITE WHERE VIOLATION(S) OCCURRED: 9286 State Highway 185 South, Victoria County**TYPE OF OPERATION:** Public water supply**SMALL BUSINESS:** ☒ Yes ☐ No**OTHER SIGNIFICANT MATTERS:** There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.**INTERESTED PARTIES:** No one other than the ED and the Respondent expressed an interest in this matter.**COMMENTS RECEIVED:** The *Texas Register* comment period expired October 5, 2009. No comments were received.**CONTACTS AND MAILING LIST:**

TCEQ Attorney: Ms. Laurencia Fasoyiro, Litigation Division, MC R-12, (713) 422-8914
Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019

TCEQ Enforcement Coordinator: Mr. Christopher Keffer, Water Enforcement Section, MC 169, (512) 239-5610

TCEQ Regional Contact: Mr. David Kennebeck, Corpus Christi Regional Office, MC R-14, (361) 825-3111

Respondent: Ms. Kara Leah Petty, Owner, Country Inn Victoria, 9286 State Highway 185 South, Victoria, TX 77905

Respondent's Attorney: Not represented by counsel on this enforcement matter.

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation:</p> <p><input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date of Complaint Relating to this Case: N/A</p> <p>Date of Investigation Relating to this Case: November 18, 2008</p> <p>Date of NOE Relating to this Case: December 19, 2008</p> <p>Background Facts: The EDPRP was filed May 21, 2009, and mailed to the Respondent via certified mail, return receipt requested, and via first class mail, postage prepaid. According to the return receipt "green card," the Respondent received notice of the EDPRP on May 22, 2009, as evidenced by the signature on the card. The Respondent failed to answer the EDPRP, failed to request a hearing, and failed to schedule a settlement conference.</p> <p>Current Compliance Status: The Respondent corrected violation no. 2. The Respondent has not submitted documentation certifying compliance with violation no. 1.</p> <p>PWS:</p> <ol style="list-style-type: none"> Failed to provide disinfection facilities for groundwater supplies for the purpose of microbiological control and distribution protection [30 TEX. ADMIN. CODE § 290.42(b)(1)]. Failed to provide written notification to the Commission of the startup of a new public water supply system [30 TEX. ADMIN. CODE § 290.39(m)]. 	<p>Total Assessed: \$850</p> <p>Total Deferred: \$0</p> <p><input type="checkbox"/> Expedited Order <input type="checkbox"/> Financial Inability to Pay <input type="checkbox"/> SEP Conditional Offset</p> <p>Total Due to General Revenue: \$850</p> <p>This is a Default Order. The Respondent has not actually paid any of the assessed penalty but will be required to do so under the terms of this Order.</p> <p>Site Compliance History Classification N/A</p> <p>Person Compliance History Classification N/A</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent provided written notification of the Facility's startup during the investigation on November 18, 2008.</p> <p>Ordering Provisions:</p> <p>The Respondent shall undertake the following technical requirements:</p> <ol style="list-style-type: none"> Within 30 days, install disinfection equipment so that continuous and effective disinfection and microbiological control is provided at the Facility under all conditions. Within 45 days, submit written certification demonstrating compliance.



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	5-Jan-2009	Screening	29-Jan-2009	EPA Due	
	PCW	23-Apr-2009				

RESPONDENT/FACILITY INFORMATION

Respondent	Kara Leah Petty dba Country Inn Victoria	
Reg. Ent. Ref. No.	RN105660211	
Facility/Site Region	14-Corpus Christi	Major/Minor Source Minor

CASE INFORMATION

Enf./Case ID No.	37104	No. of Violations	2
Docket No.	2009-0148-PWS-E	Order Type	1660
Media Program(s)	Public Water Supply	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Christopher Keffer
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** \$850

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 0.0% Enhancement **Subtotals 2, 3, & 7** \$0

Notes No change due to no previous compliance history.

Culpability No 0.0% Enhancement **Subtotal 4** \$0

Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** \$0

Economic Benefit 0.0% Enhancement* **Subtotal 6** \$0

Total EB Amounts \$16
Approx. Cost of Compliance \$385
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** \$850

OTHER FACTORS AS JUSTICE MAY REQUIRE 0.0% **Adjustment** \$0

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount \$850

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** \$850

DEFERRAL 0.0% Reduction **Adjustment** \$0

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral not offered for non-expedited settlement.

PAYABLE PENALTY \$850

Screening Date 29-Jan-2009

Docket No. 2009-0148-PWS-E

PCW

Respondent Kara Leah Petty dba Country Inn Victoria

Policy Revision 2 (September 2002)

Case ID No. 37104

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN105660211

Media [Statute] Public Water Supply

Enf. Coordinator Christopher Keffer

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 0%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

No change due to no previous compliance history.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 0%

Screening Date 29-Jan-2009		Docket No. 2009-0148-PWS-E		PCW																				
Respondent Kara Leah Petty dba Country Inn Victoria		<small>Policy Revision 2 (September 2002)</small>																						
Case ID No. 37104		<small>PCW Revision October 30, 2008</small>																						
Reg. Ent. Reference No. RN105660211																								
Media [Statute] Public Water Supply																								
Enf. Coordinator Christopher Keffer																								
Violation Number		<div style="border: 1px solid black; padding: 2px;">1</div>																						
Rule Cite(s)		<div style="border: 1px solid black; padding: 2px;">30 Tex. Admin. Code § 290.42(b)(1)</div>																						
Violation Description		<div style="border: 1px solid black; padding: 5px;">Failed to provide disinfection facilities for groundwater supplies for the purpose of microbiological control and distribution protection. Specifically, at the time of the investigation it was documented that there was no disinfection equipment provided for the well.</div>																						
Base Penalty				<div style="border: 1px solid black; padding: 2px;">\$1,000</div>																				
>> Environmental, Property and Human Health Matrix																								
OR	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td></td> <td colspan="3" style="text-align: center;">Harm</td> </tr> <tr> <td></td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> </tr> <tr> <td>Release</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Actual</td> <td><div style="border: 1px solid black; width: 50px; height: 15px;"></div></td> <td><div style="border: 1px solid black; width: 50px; height: 15px;"></div></td> <td><div style="border: 1px solid black; width: 50px; height: 15px;"></div></td> </tr> <tr> <td>Potential</td> <td style="text-align: center;">x</td> <td><div style="border: 1px solid black; width: 50px; height: 15px;"></div></td> <td><div style="border: 1px solid black; width: 50px; height: 15px;"></div></td> </tr> </table>					Harm				Major	Moderate	Minor	Release				Actual	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	Potential	x	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>
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Potential	x	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>																					
Percent				<div style="border: 1px solid black; padding: 2px;">25%</div>																				
>> Programmatic Matrix																								
Matrix Notes	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td></td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> </tr> <tr> <td>Falsification</td> <td><div style="border: 1px solid black; width: 50px; height: 15px;"></div></td> <td><div style="border: 1px solid black; width: 50px; height: 15px;"></div></td> <td><div style="border: 1px solid black; width: 50px; height: 15px;"></div></td> </tr> </table>					Major	Moderate	Minor	Falsification	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>												
		Major	Moderate	Minor																				
	Falsification	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>																				
Percent				<div style="border: 1px solid black; padding: 2px;">0%</div>																				
<div style="border: 1px solid black; padding: 5px;">Failure to provide disinfection equipment could expose the public to a significant amount of contaminants which would exceed levels that are protective of human health and the environment.</div>																								
Adjustment				<div style="border: 1px solid black; padding: 2px;">\$750</div>																				
				<div style="border: 1px solid black; padding: 2px;">\$250</div>																				
Violation Events																								
Number of Violation Events		<div style="border: 1px solid black; padding: 2px;">3</div>	Number of violation days	<div style="border: 1px solid black; padding: 2px;">72</div>																				
mark only one with an x	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">daily</td> <td><div style="border: 1px solid black; width: 50px; height: 15px;"></div></td> </tr> <tr> <td style="text-align: center;">weekly</td> <td><div style="border: 1px solid black; width: 50px; height: 15px;"></div></td> </tr> <tr> <td style="text-align: center;">monthly</td> <td style="text-align: center;">x</td> </tr> <tr> <td style="text-align: center;">quarterly</td> <td><div style="border: 1px solid black; width: 50px; height: 15px;"></div></td> </tr> <tr> <td style="text-align: center;">semiannual</td> <td><div style="border: 1px solid black; width: 50px; height: 15px;"></div></td> </tr> <tr> <td style="text-align: center;">annual</td> <td><div style="border: 1px solid black; width: 50px; height: 15px;"></div></td> </tr> <tr> <td style="text-align: center;">single event</td> <td><div style="border: 1px solid black; width: 50px; height: 15px;"></div></td> </tr> </table>				daily	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	weekly	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	monthly	x	quarterly	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	semiannual	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	annual	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	single event	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>						
	daily	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>																						
	weekly	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>																						
	monthly	x																						
	quarterly	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>																						
	semiannual	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>																						
	annual	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>																						
single event	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>																							
Violation Base Penalty				<div style="border: 1px solid black; padding: 2px;">\$750</div>																				
<div style="border: 1px solid black; padding: 5px;">Three monthly events are recommended based on the date of the investigation, November 18, 2008, to the date of screening, January 29, 2009.</div>																								
Good Faith Efforts to Comply		0.0% Reduction		<div style="border: 1px solid black; padding: 2px;">\$0</div>																				
		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td></td> <td style="text-align: center;">Before NOV</td> <td style="text-align: center;">NOV to EDPRP/Settlement Offer</td> </tr> <tr> <td>Extraordinary</td> <td><div style="border: 1px solid black; width: 50px; height: 15px;"></div></td> <td><div style="border: 1px solid black; width: 50px; height: 15px;"></div></td> </tr> <tr> <td>Ordinary</td> <td><div style="border: 1px solid black; width: 50px; height: 15px;"></div></td> <td><div style="border: 1px solid black; width: 50px; height: 15px;"></div></td> </tr> <tr> <td>N/A</td> <td style="text-align: center;">x</td> <td style="text-align: center;">(mark with x)</td> </tr> </table>			Before NOV	NOV to EDPRP/Settlement Offer	Extraordinary	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	Ordinary	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	N/A	x	(mark with x)									
	Before NOV	NOV to EDPRP/Settlement Offer																						
Extraordinary	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>																						
Ordinary	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>																						
N/A	x	(mark with x)																						
Notes		<div style="border: 1px solid black; padding: 5px;">The Respondent does not meet the good faith criteria for this violation.</div>																						
Violation Subtotal				<div style="border: 1px solid black; padding: 2px;">\$750</div>																				
Economic Benefit (EB) for this violation		Statutory Limit Test																						
Estimated EB Amount		<div style="border: 1px solid black; padding: 2px;">\$16</div>	Violation Final Penalty Total	<div style="border: 1px solid black; padding: 2px;">\$750</div>																				
This violation Final Assessed Penalty (adjusted for limits)				<div style="border: 1px solid black; padding: 2px;">\$750</div>																				

Economic Benefit Worksheet**Respondent** Kara Leah Petty dba Country Inn Victoria**Case ID No.** 37104**Reg. Ent. Reference No.** RN105660211**Media** Public Water Supply**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment	\$335	18-Nov-2008	1-Aug-2009	0.70	\$1	\$16	\$16
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the amount necessary to install disinfection equipment, calculated from the date of the investigation, to the estimated date of compliance.

Avoided Costs**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs**Approx. Cost of Compliance**

\$335

TOTAL

\$16

Screening Date 29-Jan-2009		Docket No. 2009-0148-PWS-E		PCW
Respondent Kara Leah Petty dba Country Inn Victoria		<small>Policy Revision 2 (September 2002)</small>		
Case ID No. 37104		<small>PCW Revision October 30, 2008</small>		
Reg. Ent. Reference No. RN105660211				
Media [Statute] Public Water Supply				
Enf. Coordinator Christopher Keffer				
Violation Number	<input type="text" value="2"/>			
Rule Cite(s)	<div style="border: 1px solid black; padding: 5px; text-align: center;">30 Tex. Admin. Code § 290.39(m)</div>			
Violation Description	<div style="border: 1px solid black; padding: 5px;">Failed to provide written notification to the Commission of the startup of a new public water supply system.</div>			
Base Penalty				<input type="text" value="\$1,000"/>

>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>
				Percent <input type="text" value="0%"/>

>> Programmatic Matrix				
OR	Falsification			
	Major	Moderate	Minor	
	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	
				Percent <input type="text" value="10%"/>
Matrix Notes	<div style="border: 1px solid black; padding: 5px;">100% of the rule requirement was not met.</div>			
Adjustment				<input type="text" value="\$900"/>

Violation Events				
Number of Violation Events		<input type="text" value="1"/>	Number of violation days	
		<input type="text" value="1"/>		
<small>mark only one with an x</small>	daily	<input type="text"/>		
	weekly	<input type="text"/>		
	monthly	<input type="text"/>		
	quarterly	<input type="text"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	<input checked="" type="text" value="x"/>		
<div style="border: 1px solid black; padding: 5px;">One single event is recommended.</div>				
Violation Base Penalty		<input type="text" value="\$100"/>		

Good Faith Efforts to Comply		0.0%	Reduction	<input type="text" value="\$0"/>
		<small>Before NOV</small>	<small>NOV to EDPRP/Settlement Offer</small>	
Extraordinary	<input type="text"/>	<input type="text"/>	<input type="text"/>	
Ordinary	<input type="text"/>	<input type="text"/>	<input type="text"/>	
N/A	<input checked="" type="text" value="x"/>	<small>(mark with x)</small>		
Notes	<div style="border: 1px solid black; padding: 5px;">The Respondent does not meet the good faith criteria for this violation.</div>			
Violation Subtotal				<input type="text" value="\$100"/>

Economic Benefit (EB) for this violation		Statutory Limit Test	
Estimated EB Amount	<input type="text" value="\$0"/>	Violation Final Penalty Total	<input type="text" value="\$100"/>
This violation Final Assessed Penalty (adjusted for limits)		<input type="text" value="\$100"/>	

Economic Benefit Worksheet

Respondent Kara Leah Petty dba Country Inn Victoria

Case ID No. 37104

Reg. Ent. Reference No. RN105660211

Media Public Water Supply

Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$50	18-Nov-2008	18-Nov-2008	0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the amount necessary to prepare and submit written notification to the Commission concerning the startup of a new water system. The date on which the investigation occurred was the same date on which compliance was achieved.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$50

TOTAL

\$0

Compliance History Report

Customer/Respondent/Owner-Operator: CN603430208 Kara Leah Petty Classification: Rating:
Regulated Entity: RN105660211 Country Inn Victoria Classification: Site Rating:
ID Number(s): Public Water Supply Registration 2350062
Location: 9286 State Highway 185 South Victoria County, Texas
TCEQ Region: Region 14 - Corpus Christi
Date Compliance History Prepared: February 03, 2009
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: February 02, 2004 to February 02, 2009
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Christopher Keffer Phone: (512) 239-5610

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? No
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A
- 6.

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
N/A
- B. Any criminal convictions of the state of Texas and the federal government.
- C. Chronic excessive emissions events.
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
1 11/18/2008 (709574)
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
N/A
- F. Environmental audits.
- G. Type of environmental management systems (EMSs).
- H. Voluntary on-site compliance assessment dates.
- I. Participation in a voluntary pollution reduction program.
- J. Early compliance.
- Sites Outside of Texas
N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
KARA LEAH PETTY DBA
COUNTRY INN VICTORIA;
RN105660211**

§
§
§
§
§
§

**BEFORE THE

TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

DEFAULT ORDER DOCKET NO. 2009-0148-PWS-E

At its _____ agenda, the Texas Commission on Environmental Quality, ("Commission" or "TCEQ") considered the Executive Director's Preliminary Report and Petition filed pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the TCEQ, which requests appropriate relief, including the imposition of an administrative penalty and corrective action of the respondent. The respondent made the subject of this Order is Kara Leah Petty dba Country Inn Victoria ("Ms. Petty").

The Commission makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. Ms. Petty owns and operates a public water supply at 9286 State Highway 185 South in Victoria County, Texas (the "Facility").
2. The Facility provides water for human consumption, has one service connection, and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a public water supply system as defined in 30 TEX. ADMIN. CODE § 290.38(63).
3. During an investigation conducted on November 18, 2008, a TCEQ Corpus Christi Regional Office investigator documented that Ms. Petty:
 - a. Failed to provide disinfection facilities for groundwater supplies for the purpose of microbiological control and distribution protection. Specifically, there was no disinfection equipment provided for the well; and

- b. Failed to provide written notification to the Commission of the startup of a new public water supply system. Specifically, on the date of the investigation the system was in operation, yet Ms. Petty had not submitted written notification of the startup.
4. Ms. Petty received notice of the violations on or about December 24, 2008.
5. The Executive Director recognizes that Ms. Petty provided written notification of the Facility's startup during the investigation on November 18, 2008.
6. The Executive Director filed the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Kara Leah Petty dba Country Inn Victoria" (the "EDPRP") in the TCEQ Chief Clerk's office on May 21, 2009.
7. By letter dated May 21, 2009, sent via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Ms. Petty with notice of the EDPRP. According to the return receipt "green card", Ms. Petty received notice of the EDPRP on May 22, 2009, as evidenced by the signature on the card.
8. More than 20 days have elapsed since Ms. Petty received notice of the EDPRP, provided by the Executive Director. Ms. Petty failed to file an answer to the EDPRP, failed to request a hearing, and failed to schedule a settlement conference.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact Nos. 1 and 2, Ms. Petty is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the Commission.
2. As evidenced by Finding of Fact No. 3.a., Ms. Petty failed to provide disinfection facilities for microbiological control and distribution protection, in violation of 30 TEX. ADMIN. CODE § 290.42(b)(1).
3. As evidenced by Finding of Fact No. 3.b., Ms. Petty failed to provide written notification to the Commission of the startup of a new public water supply system, in violation of 30 TEX. ADMIN. CODE § 290.39(m).
4. As evidenced by Finding of Fact Nos. 6 and 7, the Executive Director timely served Ms. Petty with proper notice of the EDPRP, as required by TEX. WATER CODE § 7.055 and 30 TEX. ADMIN. CODE § 70.104(a).

5. As evidenced by Finding of Fact No. 8, Ms. Petty has failed to file a timely answer to the EDPRP, as required by TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.105. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.106, the Commission may enter a Default Order against Ms. Petty and assess the penalty recommended by the Executive Director.
6. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against Ms. Petty for violations of the Texas Health & Safety Code within the Commission's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
7. An administrative penalty in the amount of eight hundred fifty dollars (\$850.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049.
8. TEX. WATER CODE §§ 5.102 and 7.002 authorize the Commission to issue orders and make determinations necessary to effectuate the purposes of the statutes within its jurisdiction.

ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. Ms. Petty is assessed an administrative penalty in the amount of eight hundred fifty dollars (\$850.00) for violations of state statutes and TCEQ rules. The payment of this administrative penalty and Ms. Petty's compliance with all the terms and conditions set forth in this Order completely resolve the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations which are not raised here. All checks submitted to pay the penalty imposed by this Order shall be made out to the "Texas Commission on Environmental Quality." The administrative penalty assessed by this Order shall be paid within 30 days after the effective date of this Order and shall be sent with the notation "Re: Kara Leah Petty dba Country Inn Victoria; Docket No. 2009-0148-PWS-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. Ms. Petty shall undertake the following technical requirements:

- a. Within 30 days after the effective date of this Order, Ms. Petty shall install disinfection equipment so that continuous and effective disinfection and microbiological control is provided at the Facility under all conditions, in accordance 30 TEX. ADMIN. CODE § 290.42; and
- b. Within 45 days after the effective date of this Order, Ms. Petty shall submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Water Section Manager
Corpus Christi Regional Office
Texas Commission on Environmental Quality
6300 Ocean Drive, Suite 1200
Corpus Christi, Texas 78412-5503

3. All relief not expressly granted in this Order is denied.
4. The provisions of this Order shall apply to and be binding upon Ms. Petty. Ms. Petty is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
5. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by Ms. Petty shall be made in writing to the Executive Director. Extensions are not effective until Ms. Petty receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Ms. Petty if the Executive Director determines that Ms. Petty has not complied with one or more of the terms or conditions in this Order.
7. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
8. The Chief Clerk shall provide a copy of this Order to each of the parties. By law, the effective date of this Order shall be the date this Order is final, as provided by 30 TEX. ADMIN. CODE § 70.106(d) and TEX. GOV'T CODE § 2001.144.

Kara Leah Petty dba Country Inn Victoria
DOCKET NO. 2009-0148-PWS-E
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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

AFFIDAVIT OF LAURENCIA N. FASOYIRO

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

"My name is Laurencia N. Fasoyiro. I am of sound mind, capable of making this affidavit, and the facts stated in this affidavit are within my personal knowledge and are true and correct.

On behalf of the Executive Director of the Texas Commission on Environmental Quality, I filed the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Kara Leah Petty dba Country Inn Victoria" (the "EDPRP") was filed with the Office of the Chief Clerk on May 21, 2009.

I sent the EDPRP to Ms. Petty at her last known address on May 21, 2009 via certified mail, return receipt requested, and via first class mail, postage prepaid. According to the return receipt "green card", Ms. Petty received notice of the EDPRP on May 22, 2009, as evidenced by the signature on the card.

More than 20 days have elapsed since Ms. Petty received notice of the EDPRP. Ms. Petty failed to file an answer to the EDPRP, failed to request a hearing, and failed to schedule a settlement conference".



Laurencia N. Fasoyiro
Attorney
Texas Commission on Environmental Quality

Before me, the undersigned authority, on this day personally appeared Laurencia N. Fasoyiro, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes and consideration herein expressed.

Given under my hand and seal of office this 05 day of August, A.D., 2009.

Nara Ann Lemoine
Notary Signature

Notary Stamp

